



Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0320US (P8003)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR

on May 25, 2007

Signature

Typed or printed name

Cynthia L. Hayden

Application Number

09/522,053

Filed

March 9, 2000

First Named Inventor

Scott A. Rosenberg et al.

Art Unit

2623

Examiner

Ngoc K. Vu

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

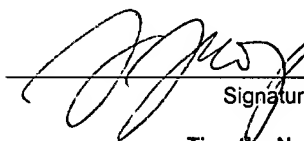
attorney or agent of record.

Registration number 28,994

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

May 25, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott A. Rosenberg et al.	§	Group Art Unit:	2623
Serial No.:	09/522,053	§	Examiner:	Ngoc K. Vu
Filed:	March 9, 2000	§	Atty. Dkt. No.:	ITL.0320US (P8003)
For:	Displaying Heterogeneous Video	§	Assignee:	Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Claim 11 calls for a packetization device to packetize independently at least two moving picture video streams in different frame rates for transmission thereof to a display device "without converting the frame rates of the moving picture video streams to a common frame rate."

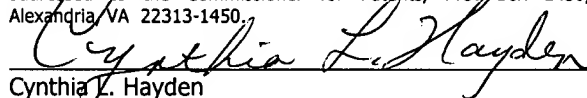
The claim is rejected under Section 103 over a single reference. On its face, it is hard to see how a single reference Section 103 rejection could ever be sustained.

In this case, the single cited reference is cited as implicitly or inherently teaching what is claimed. To the contrary, the reference is explicit that it does exactly what the prior art does. Therefore, the asserted single reference Section 103 rejection fails to make out a *prima facie* case, especially since the reference explicitly teaches away.

In Washino, there is a reference to alarm or sensor signals that may be utilized to automatically reconfigure the system operating mode. One way it does this is by "increasing the

Date of Deposit: May 25, 2007

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Cynthia L. Hayden

frame rate ... for an image source associated with the sensor which has initiated the alarm condition." See Washino, column 8, lines 38-43. The text goes on to explain that the displayed windows and image sizes may be reconfigured. Thus, the reference is explicit that when a different source is provided for video, for example, in response to an alarm condition, that the frame rate must be adjusted.

The claim calls for providing the video streams to the display device "without converting the frame rates." Therefore, the reference explicitly teaches away.

Moreover, the material just described is the explanation for the material relied upon in the office action which talks about video coming from different alarm conditions. For example, the final rejection cites column 7, lines 43-46. This is non-explicit with respect to anything having to do with frame rates. The final rejection also cites column 3, lines 34-44 which talks about the image representations not being identical to the sizes and rates used for video monitors displaying the image. As explained later, in column 8, it is clear how this is handled. It is not handled as is claimed, but as suggested all along during the prosecution, the frame rate is simply adjusted.

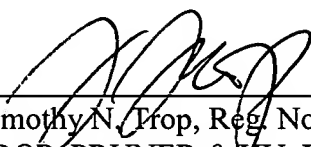
Moreover, in many places throughout the patent, the Washino reference teaches using a common unified frame rate of one frame per second. For example, in discussing Figure 2, it is explained that the display shown there records all its windows at one frame per second (FPS), see column 5, line 20. The embodiment of Figure 3 includes a different display, but still uses one FPS. See column 5, line 35. Figure 4 shows still another embodiment still using one FPS. See column 5, line 47. Figure 5 shows still another display embodiment still using FPS. See column 5, lines 18 and 19.

Since the reference explicitly teaches away from the claimed invention, there is no basis for the supposition that it works as claimed, despite assertions of silence at the point of novelty. To the contrary, the reference is explicit and teaches doing exactly the opposite of what is claimed.

Therefore, reconsideration would be appropriate.

Respectfully submitted,

Date: May 25, 2007



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, Texas 77057-2631
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]

Attorneys for Intel Corporation